Rec'd PCT/PTO 25 APR 2005



### PATENT COOPERATION TREATY

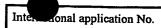


# **PCT**

#### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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INTERNA	TIONAL PRELIMIN	ARY EXAMIN	ATION REPORT		
	(PCT Article 3	6 and Rule 70)			
Applicant's or agent's file reference P801367/MB	FOR FURTHER AC		ication of Transmittal of Internation Examination Report (Form PCT/IPEA/4		
International application No. PCT/EP2003/011517	International filing date 17 October 2003		Priority date (day/month/year) 24 October 2002 (24.10.2002)		
International Patent Classification (IPC) of H04N 5/33		<u> </u>			
Applicant	DAIMLERCHE	YSLER AG			
<ol> <li>This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</li> </ol>					
2. This REPORT consists of a total	of <u>6</u> sheets, i	ncluding this cover	sheet.		
amended and are the basis		containing rectific	ion, claims and/or drawings which have bations made before this Authority (see I		
These annexes consist of	a total of sl	eets.			
3. This report contains indications	relating to the following iten	s:			
I Basis of the repo	ort				
II Priority					
III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability					
IV Lack of unity of invention					
V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
VI Certain documen	nts cited				
VII Certain defects i	in the international application	n			
VIII Certain observat	tions on the international app	ication			
Date of submission of the demand		Date of completion	of this report		
04 March 2004 (04.03.2004)		25	January 2005 (25.01.2005)		
Name and mailing address of the IPEA/	EP	Authorized officer			
Facsimile No.		Telephone No.			

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT



PCT/EP2003/011517

I. Basis	s of the r	report	
1. With	regard t	to the elements of the international application:*	
	the inte	ternational application as originally filed	
$\boxtimes$	the des	escription:	
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	pages	, as amended (together with any statement under	
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			12.2004)
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	pages	, filed with t	he demand
	pages .	, filed with the letter of	
t	he seque	ence listing part of the description:	
	pages	, as orig	. 11 61 1
	pages	, as orig	inally filed
	pages	, filed with the letter of	ne demand
These	the lang the lang the lang or 55.3) regard to ninary exic containe filed tog	to the language, all the elements marked above were available or furnished to this Authority in the language and application was filed, unless otherwise indicated under this item. Its were available or furnished to this Authority in the following language aguage of a translation furnished for the purposes of international search (under Rule 23.1(b)). It is guage of publication of the international application (under Rule 48.3(b)). It is guage of the translation furnished for the purposes of international preliminary examination (under Rule 1).  It is any nucleotide and/or amino acid sequence disclosed in the international application, the internation was carried out on the basis of the sequence listing:  It is any nucleotide and/or amino acid sequence disclosed in the international application, the international application in written form.  It is a sequence of the international application in computer readable form.  It is a sequence of the international application in computer readable form.  It is a sequence of the international application in computer readable form.	which is:  55.2 and/
		atement that the subsequently furnished written sequence listing does not go beyond the disclosu tional application as filed has been furnished.  Itement that the information recorded in computer readable form is identical to the written sequence I mished.	
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		ort has been established as if (some of) the amendments had not been made, since they have been consider the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**	
and 70.	. <i>17</i> ).	heets which have been furnished to the receiving Office in response to an invitation under Article 14 are re as "originally filed" and are not annexed to this report since they do not contain amendments (Ri nt sheet containing such amendments must be referred to under item 1 and annexed to this report.	eferred to ule 70.16
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#### I. Basis of the report

- 1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):
  - The amendments submitted with the letter of 30

    November 2004 introduce substantive matter which,
    contrary to PCT Article 34(2)(b), goes beyond the
    disclosure of the international application as
    filed.
  - 1.1 The amendments in question are as follows:

    The concept "in the sense of a different cooperation" formulated in claim 1 of the amended
    international application cannot be derived in this
    form from the originally filed documents. It is
    assumed that what is described is a connection
    between individual components of the night vision
    system, which is not disclosed in the application
    as filed.

V.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
	citations and explanations supporting such statement

1.	Statement					
	Novelty (N)	Claims	4-9	YES		
		Claims	1-3, 10-12	NO		
	Inventive step (IS)	Claims		YES		
Í		Claims	1-12	NO NO		
	Industrial applicability (IA)	Claims	1-12	YES		
		Claims		NO		

- 2. Citations and explanations
  - 1 Citations (D1, D2):

D1: WO 02 36389 A (AUTOLIV DEV; ERIKSSON DICK (SE); KARLSSON LARS (SE); KAELLHAMMER J) 10 May 2002 (2002-05-10)

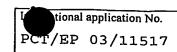
D2: DE 100 33 103 A (SIEMENS AG) 17 January 2002 (2002-01-17)

- 2 Independent claims 1 and 10 are not clear (PCT Article 6).
- 2.1 Claim 1: It is not clear whether the illumination unit, the image recording unit and the image processing unit are more precise specifications of the concept "plurality of components", or whether these units are present in addition to the plurality of components.
- 2.2 To assess novelty, inventive step and industrial applicability, claim 1 was interpreted as follows: Method for operating an automobile night vision system comprising the following components:
  - an illumination unit for illuminating the vehicle surroundings
  - an image recording unit for detecting data from

the surroundings

- an image processing unit.
- The claimed method merely has to be suitable in principle for operating such a system.
- 2.3 Furthermore, the term "different constellations" is not sufficiently clear.
- 2.4 To assess novelty, inventive step and industrial applicability, the term "different constellations" was interpreted as a plurality of different properties of at least one of the components of the night vision system, e.g. different focal lengths of the lens of the image recording unit or different modes of processing of the image processing unit.
- 2.5 Claim 10 is not clear for the reasons given in points 2.1 and 2.3, mutatis mutandis.
- 2.6 To assess novelty, inventive step and industrial applicability, claim 10 was interpreted as follows: Automobile night vision system comprising the following components:
  - an illumination unit for illuminating the vehicle surroundings
  - an image recording unit for detecting data from the vehicle surroundings
  - an image processing unit, characterised in that the components of the night vision system can be controlled in such a way that they can be operated in different constellations.

The term "different constellations" was interpreted as per point 2.4.



3 Independent claim 1 is not novel (PCT Article
33(2)).

Document D1 (see abstract) discloses:

A method for operating an automobile night vision system comprising the components illumination device, image recording device and image processing device (abstract: lines 1-6), in which the components of the night vision system are operated in different constellations on the basis of at least one control signal (abstract: lines 6-12; description, page 7, lines 5-7; description, page 8, lines 20-23).

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

- Independent claim 1 is not novel (PCT Article 33(2))
   see point 3, mutatis mutandis.
- The subject matter of dependent claims 2, 3, 11 and 12 is not novel (PCT Article 33(2)) see D1 (page 3, lines 4-29 and page 4, lines 1-4).
- Dependent claims 4-9 do not contain any features which, in combination with the features of any claim to which they refer, could lead to a subject matter involving an inventive step (PCT Article 33(3)).
- 6.1 With respect to claim 4: Stand-by control systems are well-known, and it would therefore be an obvious measure for a person skilled in the art to include such a control system to avoid driver irritation in the operating control system of the night vision device of D1.
- 6.2 With respect to claims 5 and 7: It is obvious to a

person skilled in the art that a request made by the driver for night vision functionality causes the optical display to be activated. Furthermore, it is obvious to a person skilled in the art that unrequested activation of the optical display could lead to driver irritation. It is therefore obvious to a person skilled in the art to activate the night vision system as a function of the vehicle and unnoticed by the driver without switching on the optical display.

6.3 With respect to claims 6, 8 and 9: Communication between correspondingly equipped vehicles to avoid driver irritation and blinding during night vision operation is known - see D2 (abstract, paragraphs [0005]-[0009] and [0019]. It would therefore be obvious for a person skilled in the art to integrate a corresponding measure in the night vision device of D1.